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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,667	12/28/2001	Antonio J. Colmenarez	US010716	1829
24737	7590	08/10/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				LEUNG, CHRISTINA Y
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ART UNIT		PAPER NUMBER		
		2613		

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,667	COLMENAREZ ET AL.	
	<b>Examiner</b> Christina Y. Leung	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7-13, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 7-11, 17 and 18 is/are rejected.
- 7) Claim(s) 12 and 13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Introductory Comments*

1. The indicated allowability of claims 7-11, 17, and 18 is withdrawn in view of the newly discovered reference(s) to Ritchie (US 6,784,918 B1). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 7-11, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ritchie (US 6,784,918 B1).

Regarding claim 7, Ritchie discloses a remote control unit for controlling a number of devices (Figure 1), the remote control unit comprising:

a receiver (including camera 110) for acquiring identification data from a particular device at which the remote control unit is pointed (Examiner notes that camera 110 connected to computer 112 is selectively directed to a consumer electronic device 100);

a processor (within computer 112) for processing the acquired identification data to determine command protocols associated with the particular device (column 3, lines 19-26, lines 63-67; column 4, lines 1-14); and

a formatter (including IR module 152 and IR transmitter 140) for formatting control commands for the particular device according to the command protocols associated with the particular device (column 3, lines 48-62),

wherein the receiver acquires identification data from the particular device at which the remote control unit is pointed by capturing at least one image (using camera 110) in the direction in which the remote control unit is pointed, the at least one captured image including the particular device (column 3, lines 19-26 and lines 63-67; column 4, lines 1-14).

Regarding claim 8, Ritchie discloses that the receiver comprises a camera 110 for capturing images in the direction in which the remote control unit is pointed (column 3, lines 19-42 and lines 63-67; column 1, lines 1-14).

Regarding claims 9 and 10, Ritchie discloses that the processor 112 processes the captured image to identify the particular device at which the remote control unit is pointed and that the processor 112 identifies the particular device 100 in the captured image using image recognition processing (column 3, lines 9-26 and lines 63-67; column 4, lines 1-14).

Regarding claim 11, Ritchie discloses that the remote control unit comprises a database (including databases 160 and 162) containing representations of images of the number of devices and their associated command protocols, the processor 112 determining a presentation of an image in the database that matches the particular device in the captured image (column 4, lines 4-14), and the formatter (IR module 152 and IR transmitter 140) using the command protocols associated with the presentation of the image in the database to format input control commands (column 3, lines 48-62).

Regarding claim 17, Ritchie discloses a method for controlling one particular device selected from among a number of devices based upon a selection direction (Figure 1; Examiner notes that camera 110 connected to computer 112 is selectively directed to a consumer electronic device 100), the method comprising the steps of:

acquiring identification data from the particular device 100 (using camera 110; column 3, lines 6-16);

determining command protocols associated with the particular device using the identification data (column 3, lines 19-26); and

formatting control commands for the particular device according to the determined command protocols for the particular device (using infrared transmitter hardware 140 and IR database 162; column 3, lines 48-62),

wherein the step of acquiring identification data from the particular device comprises capturing one or more images of the particular device (column 3, lines 63-67; column 4, lines 1-14).

Regarding claim 18, Ritchie discloses that the step of determining command protocols associated with the particular device using the identification data comprises using the image to find a matching image representation in a compilation of image representations (i.e., database 160) for the number devices and their associated command protocols and selecting the command protocols associated in the compilation with the image representation that matches the image of the particular device (column 3, lines 63-67; column 4, lines 1-14).

***Allowable Subject Matter***

4. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art, including Ritchie, does not specifically disclose or fairly suggest a remote control system including all the elements and limitations recited in claims 12 or 13 (including all the limitations of claim 7 on which they depend), particularly wherein the receiver acquires identification data from the particular device at which the remote control unit is pointed after the user inputs an acquisition command in the remote, wherein after the processor processes the identification data acquired to determine command protocols associated with the particular device, the formatter formats control commands for the particular device input to the remote by the user according to the command protocols associated with the particular device until the user inputs another acquisition command; or wherein the remote control unit further comprises a display for displaying information and the receiver acquires identification data from two or more particular devices at which the remote control unit is pointed, the processor processing the identification data and displaying on the display the identity of the two or more particular devices to the user, the remote control unit further comprising an input for receiving a user selection input selecting one of the two or more particular devices identified, the processor determining command protocols associated with the selected device, and the formatter formatting control commands for the selected particular device input to the remote by the user according to the command protocols associated with the selected particular device.

*Response to Arguments*

6. Examiner acknowledges Applicants' amendment and remarks filed 26 May 2006. However, the previously indicated allowability of claims 7-11, 17, and 18 is withdrawn in view of the newly discovered reference(s) to Ritchie (US 6,784,918 B1).

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023. The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHRISTINA LEUNG  
PRIMARY EXAMINER